

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERRY M. JURY,

Plaintiff,

v.

L. ROHER, DEPARTMENT
OFCORRECTIONS, et al.,

Defendants.

CASE NO. C12-5772BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 32), which was issued on February 13, 2013. On February 29, 2013, the mail containing the R&R was returned to the Court as undeliverable, noting that Plaintiff was deceased. Dkt. 33. On February 21, 2013, a certificate of death for Plaintiff was filed with the Court. Dkt. 34.

The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**; and
- (2) This action is **dismissed without prejudice** prior to service for failure to state a claim.

Dated this 11th day March, 2013.



BENJAMIN H. SETTLE
United States District Judge